

NIL11867/MPS/CCS, vaw

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHAUNE WILSON
Plaintiff,

v.

**CODY MOTE and SAMSON HEAVY
HAULING COMPANY, INC.**
Defendants.

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CIVIL ACTION NO. 3:20-cv-400-B
JURY

**DEFENDANT CODY MOTE'S ANSWER TO
PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CODY MOTE**, a Defendant in the above matter, and hereby respectfully submits his Answer and Affirmative Defenses to the Complaint filed by Plaintiff Shaune Wilson ("Plaintiff").

I. ANSWER

1. Denied for lack of sufficient knowledge or information
2. Denied for lack of sufficient knowledge or information
3. Admitted
4. Admitted
5. Admitted.
6. Admitted.
7. Defendant admits an accident occurred on June 25, 2019 at I-635 and Bruton Road.

Defendant denies that Plaintiff was traveling on I-635. Defendant admits that he was traveling southbound on I-635. Defendant denies that he failed to merge when safe and denies that he struck Plaintiff's vehicle. Defendant admits that he was acting in the

course and scope of his employment with Samson Heavy Hauling Company.

Defendant denies that Plaintiff suffered bodily injury and property damage.

8. Denied, including denial of all subparts.

9. Defendant admits that he was acting in the course and scope of his employment.

Defendant denies that he was negligent and denies that he and Samson Heavy Hauling are liable to Plaintiff.

10. Denied, including denial of all subparts.

II. AFFIRMATIVE DEFENSES

11. For further answer, should any such be necessary, Defendant would show that Plaintiff's injuries resulted in whole or in part as a result of Plaintiff's own negligent actions, to wit: Plaintiff's attempt to pass a line of moving traffic on the shoulder and/or grass, and Plaintiff's failure to observe instructions provided by Texas peace officers.

12. For further answer, should any such be necessary, Defendant would show that Plaintiff is only entitled to recover the reasonable charges for necessary medical treatment received as a result of the accident.

Respectfully submitted,

/s/Michael P. Sharp

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**ATTORNEYS FOR DEFENDANTS CODY
MOTE AND SAMSON HEAVY HAULING,
INC.**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been served upon all attorneys of record in this cause of action on the 20th day of April, 2020 as indicated below.

Via: E-Serve

James L. Bauguss, III

Ben Abbott & Associates, PLLC

1934 Pendleton Drive

Garland, TX 75041

/s/Michael P. Sharp

MICHAEL P. SHARP